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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-971**

12 **DEBORA WILKINSON PAUTSCH**  
13 338 Legion Avenue  
Chico, CA 95926

**A C C U S A T I O N**

14 Registered Nurse License No. 245224  
15 Public Health Nurse Certificate No. 20158

16 Respondent.

17 Complainant alleges:

18 **PARTIES/LICENSE INFORMATION**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.  
22 2. On or about August 31, 1974, the Board issued Registered Nurse License Number  
23 245224 to Debora Wilkinson Pautsch ("Respondent"). Respondent's registered nurse license was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 January 31, 2014, unless renewed.

26 3. On or about October 18, 1974, the Board issued Public Health Nurse Certificate  
27 Number 20158 to Respondent. Respondent's public health nurse certificate was in full force and

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effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

### **STATUTORY AND REGULATORY PROVISIONS**

4. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

7. California Code of Regulations, title 16, section ("Regulation") 1442 states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

8. Regulation 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

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1 applied a monitor to A.S., intubated him, and placed him on a back board. At approximately  
2 0703 hours, A.S. was transported to Oroville Hospital. A toxicology screening was performed on  
3 A.S. which was positive for cocaine, marijuana, and alcohol. The initial diagnosis was likely  
4 polysubstance binge-triggered MI (myocardial infarction) and brain death.

5 12. On or about September 1, 2006, A.S. was transferred to Kaiser North Valley Hospital  
6 located in Sacramento, California. A.S. died on September 2, 2006. The Sacramento County  
7 Coroner reported A.S.'s cause of death as anoxic/ischemic encephalopathy due to sudden cardiac  
8 arrest while being restrained prone by the correctional officers, excited delirium syndrome, and  
9 acute combined cocaine and ethanol intoxication.

10 13. Respondent is subject to disciplinary action pursuant to Code section 2761,  
11 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about August 31, 2006,  
12 Respondent was guilty of gross negligence in her care of A.S. within the meaning of Regulation  
13 1442, as follows:

14 a. Respondent failed to conduct a thorough assessment of A.S. in the sally port and  
15 allowed him to enter the jail without a documented blood pressure and without evaluating his  
16 level of consciousness or assessing his pupils.

17 b. Respondent failed to recognize that A.S. was in a compromised medical condition  
18 upon his arrival in the sally port, and failed to refer him to the local emergency room.

19 c. Respondent failed to provide appropriate CPR to A.S. in that she failed to assure or  
20 secure ventilation with an airway, failed to call for an Ambu bag and oxygen equipment even  
21 though those medical supplies or equipment were available at the jail, and failed to direct 30:2  
22 chest compressions to ventilation despite the fact that she was recently recertified in basic CPR.<sup>1</sup>

### 23 **SECOND CAUSE FOR DISCIPLINE**

#### 24 **(Incompetence)**

25 14. Complainant incorporates by reference as though fully set forth herein the allegations  
26 contained in paragraphs 10 through 12 above.

27 \_\_\_\_\_  
28 <sup>1</sup> Respondent was recertified in basic CPI on May 23, 2006.

1 15. Respondent is subject to disciplinary action pursuant to Code section 2761,  
2 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about August 31, 2006,  
3 Respondent was guilty of incompetence in her care of A.S. within the meaning of Regulation  
4 1443, as set forth in subparagraph 13 (c) above, and as follows: Respondent failed to act as A.S.'s  
5 advocate by asking the correctional officers to remove his handcuffs and/or reposition him; i.e.,  
6 turn him over, thereby enabling her to conduct a complete examination of A.S., including, but not  
7 limited to, checking his pupils, blood pressure, and level of consciousness/mental status, and  
8 obtaining an accurate pulse and respiratory rate.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

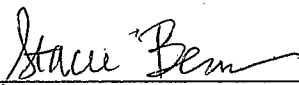
12 1. Revoking or suspending Registered Nurse License Number 245224, issued to Debora  
13 Wilkinson Pautsch;

14 2. Revoking or suspending Public Health Nurse Certificate Number 20158, issued to  
15 Debora Wilkinson Pautsch;

16 3. Ordering Debora Wilkinson Pautsch to pay the Board of Registered Nursing the  
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3;

19 4. Taking such other and further action as deemed necessary and proper.

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21 DATED: APRIL 26, 2013

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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